

ORIGINAL

In the United States Court of Federal Claims

No. 11-588 C

(Filed April 29, 2014)

FILED

APR 29 2014

U.S. COURT OF  
FEDERAL CLAIMS

\*\*\*\*\*

ANIS ATTIA,

*Pro Se Plaintiff,*

v.

THE UNITED STATES,

*Defendant.*

\*\*\*\*\*

ORDER

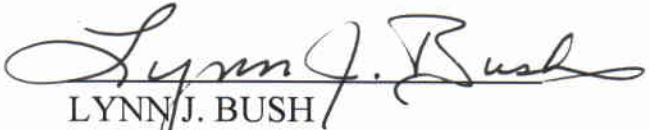
On April 25, 201, plaintiff submitted a document for filing titled "Plaintiff's Motion in Support of Response to Defendant's Opposition to Plaintiff's Motions to Amend the Complaint and to Supplement the Administrative Record." The Clerk's Office referred the document to the undersigned for clarification of the purpose of the document, which referenced RCFC 41(a)(1) and its provisions regarding voluntary dismissal of a case by the plaintiff. The document submitted by Mr. Attia is indeed a stipulation for voluntary dismissal of plaintiff's suit, although such a stipulation is not effective under RCFC 41(a)(1) unless it is also signed by counsel for defendant. The court therefore deems the document to be Plaintiff's Request for Voluntary Dismissal under RCFC 41(a)(2). Such dismissals proceed by court order "on terms the court considers proper." RCFC 41(a)(2).

To determine whether dismissal in this case should properly be *with* or *without* prejudice, the court must weigh plaintiff's request that the dismissal be *without* prejudice along with defendant's position on the proper type of dismissal in the circumstances of this case. If the government agrees that dismissal without prejudice is proper, a simple notice to that effect would permit the court to grant

plaintiff's request for dismissal *without* prejudice. If the government chooses, instead, to advocate for dismissal *with* prejudice, against the wishes of Mr. Attia, a briefing schedule which airs the parties' respective positions would be required to resolve the matter. The court encourages the parties to achieve a consensus that conserves their resources, as well as the court's.

Accordingly, it is hereby **ORDERED** that:

- (1) "Plaintiff's Motion in Support of Response to Defendant's Opposition to Plaintiff's Motions to Amend the Complaint and to Supplement the Administrative Record," deemed to be **Plaintiff's Request for Voluntary Dismissal under RCFC 41(a)(2)**, shall be **FILED** by leave of the court as of the date of this order; and
- (2) Defendant shall **FILE** a **Notice** presenting the government's position on voluntary dismissal of this case on or before **May 9, 2014**.

  
LYNN J. BUSH  
Senior Judge